

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 27, 2016

A Special Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Mayor McDonald read the following statement into the record:

“The requirements of the ‘Open Public Meetings Law, P.L. 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor McDonald led everyone in the flag salute.

Roll Call: Conry, Heinrich, Higgins, Klimko, McDonald, Noone, Thompson

Absent: None

Also Present: Ann Kilduff, Borough Clerk and Matthew Hall, Borough Manager

AUDIENCE

Mayor McDonald opened up the audience portion for remarks, petitions, statements and testimony from guests. Seeing no one, a motion was made by Heinrich, seconded by Thompson, to close the audience portion of the meeting.

Ayes: 7 Nays: 0

Motion Carried

REPORTS

A motion was made by Heinrich, seconded by Conry, to receive and file the following reports:

1. Washington Township Police – Press Release for December 15, 2016
2. Washington Township Police – Press Release for December 19, 2016
3. Washington Township Police – Press Release for December 22, 2016
4. Warren County Board of Health - Monthly Report for November

Ayes: 7 Nays: 0

Motion Carried

COMMITTEE REPORTS

There were no Committee reports at this meeting.

NEW BUSINESS

Resolution #199-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 28, Lot 5

RESOLUTION #199-2016
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$174.06 for taxes or other municipal liens assessed for the year 2015 in the name of US Bank Trust NA as supposed owner, and in said assessment and sale were described as 65 School St., Block 28 Lot 5, which sale was evidenced by Certificate #16-00031; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-16-16 and before the right to redeem was cut off, as provided by law, Peggy Seme, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$697.83 which is the amount necessary to redeem Tax Sale Certificate #16-00031.

NOW THEREFORE BE IT RESOLVED, on this 27th day of December, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$697.83** .

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 28 Lot 5 from the tax office records.

Resolution 199-2016 was moved on a motion by Conry, seconded by Heinrich, and approved.

ROLL CALL: Conry, Heinrich, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution #200-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5 - Block 98, Lot 12

RESOLUTION #200-2016
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$655.41 for taxes or other municipal liens assessed for the year 2015 in the name of Zack, Michael E. & Nancy L. as supposed owners, and in said assessment and sale were described as 29 South Lincoln Ave., Block 98 Lot 12, which sale was evidenced by certificate #16-00075; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-16-16 and before the right to redeem was cut off, as provided by law, Nancy Zack claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,186.61 which is the amount necessary to redeem Tax Sale Certificate #16-00075.

NOW THEREFORE BE IT RESOLVED, on this 27th day of December, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,486.61** (This consists of \$1,186.61 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 12 from the tax office records.

Resolution 200-2016 was moved on a motion by Conry, seconded by Heinrich, and approved.

Roll Call: Conry, Heinrich, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 201-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 100, Lot 48

RESOLUTION #201-2016
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$669.06 for taxes or other municipal liens assessed for the year 2015 in the name of Figliozzi Living Trust as supposed owner, and in said assessment and sale were described as 17 Marble Street, Block 100 Lot 48 , which sale was evidenced by Certificate #16-00082; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-27-16 and before the right to redeem was cut off, as provided by law, Beneficial Bank on behalf of American Home Title claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,200.46 which is the amount necessary to redeem Tax Sale Certificate #16-00082.

NOW THEREFORE BE IT RESOLVED, on this 27th day of December, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in

the amount of **\$2,200.46** (This amount consists of \$1,200.46 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 100 Lot 48 from the tax office records.

Resolution 201-2016 was moved on a motion by Conry, seconded by Heinrich, and approved.

Roll Call: Conry, Heinrich, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

VOUCHERS

A motion was made by Conry, seconded by Thompson, to approve the vouchers and claims in the amount of \$133,695.08.

Council Discussion

Councilman Thompson spoke of the delay of recreation bills. Councilman Heinrich asked if there is a budget plan for gas. M. Hall will look into this. Councilman Higgins and Councilwoman Klimko asked M. Hall to get details on the street opening permit on N. Lincoln Avenue. Council discussed the phone charges at the park.

ROLL CALL: Conry, Thompson, Heinrich, Higgins, Klimko, Noone, McDonald
Ayes: 7; Nays: 0; Abstentions: 1 (Thompson – Fire and EMS only)
Motion Carried

RECAP

M. Hall will discuss the phone charges at the park with the Recreation Director, look into the possibility of a gas budget plan, and get details of the street opening permit on N. Lincoln Avenue.

COUNCIL REMARKS

Councilman Heinrich thanked Mayor McDonald and Councilwoman Conry for their time on Council.

Councilwoman Noone thanked Mayor McDonald and Councilwoman Conry and wished everyone a Happy New Year.

Councilwoman Conry thanked everyone and stated she enjoyed her time on Council. She would like work to continue on 149 N. Lincoln Avenue. Councilwoman Conry wished everyone a Happy New Year.

Councilman Thompson thanked Mayor McDonald and Councilwoman Conry and wished everyone a Happy New Year. He spoke of recycling being left on the road by the garbage company.

Councilwoman Klimko thanked Mayor McDonald and Councilwoman Conry and wished everyone a Happy and Healthy New Year. She spoke of garbage left outside by local restaurants.

Councilman Higgins thanked Mayor McDonald and Councilwoman Conry stating they both made this Council better. He wished everyone a Happy and Healthy New Year and is looking forward to a proactive Council. Councilman Higgins thanked M. Hall and A. Kilduff.

Mayor McDonald thanked A. Kilduff, M. Hall, Deputy Mayor Heinrich and members of the Governing Body.

EXECUTIVE SESSION

A motion was made by Higgins, seconded by Thompson, to approve Resolution 202-2016 - Authorizing Executive Session for the purpose of discussing a personnel matter and a matter regarding contract negotiations at 7:20 pm.

Ayes: 7 Nays: 0

Motion Carried

RESOLUTION # 202-2016
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

 X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

 X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Higgins, seconded by Conry, to come out of Executive Session at 7:30 pm.

Ayes: 7 Nays: 0

Motion Carried

A motion was made by Heinrich, seconded by Conry, to approve a not to exceed amount of \$7,000 for auditor services, pending availability of funds, as discussed in Executive Session.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald

Ayes: 7; Nays 0

Motion Carried

A motion was made by Higgins, seconded by Conry, to allow the Borough Manager to advertise for a full-time Clerk position.

Ayes: 7 Nays: 0

Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Higgins, seconded by Conry, to adjourn the meeting at 7:34 pm.

Ayes: 7 Nays: 0

Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk